

**281—41.156 (256B,34CFR300) Personnel qualifications.**

**41.156(1) *General.*** The SEA must establish and maintain qualifications to ensure that personnel necessary to carry out the purposes of Part B of the Act and of this chapter are appropriately and adequately prepared and trained, including ensuring that those personnel have the content knowledge and skills to serve children with disabilities.

**41.156(2) *Related services personnel and paraprofessionals.*** The qualifications under subrule 41.156(1) must include qualifications for related services personnel and paraprofessionals that:

*a.* Are consistent with any state-approved or state-recognized certification, licensing, registration, or other comparable requirements that apply to the professional discipline in which those personnel are providing special education or related services; and

*b.* Ensure that related services personnel who deliver services in their discipline or profession:

(1) Meet the requirements of 41.156(2) “*a*”; and

(2) Have not had certification or licensure requirements waived on an emergency, temporary, or provisional basis; and

(3) Allow paraprofessionals and assistants who are appropriately trained and supervised, in accordance with state law, regulation, or written policy, in meeting the requirements of this chapter to be used to assist in the provision of special education and related services under this chapter to children with disabilities.

**41.156(3) *Qualifications for special education teachers.*** The qualifications described in subrule 41.156(1) must ensure that each person employed as a public school special education teacher in the state who teaches in an elementary school, middle school, or secondary school is highly qualified as a special education teacher by the deadline established in Section 1119(a)(2) of the ESEA.

**41.156(4) *Policy.*** In implementing this rule, the state must adopt a policy that includes a requirement that AEAs and LEAs in the state take measurable steps to recruit, hire, train, and retain highly qualified personnel to provide special education and related services under Part B of the Act and this chapter to children with disabilities.

**41.156(5) *Rule of construction.*** Notwithstanding any other individual right of action that a parent or student may maintain under this chapter, nothing in this chapter shall be construed to create a right of action on behalf of an individual student or a class of students for the failure of a particular SEA, AEA, or LEA employee to be highly qualified, or to prevent a parent from filing a complaint about staff qualifications with the SEA as provided for under this chapter.

**41.156(6) *Positive efforts to employ and advance qualified individuals with disabilities.*** Each recipient of assistance under Part B of the Act must make positive efforts to employ, and advance in employment, qualified individuals with disabilities in programs assisted under Part B of the Act.